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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Myanmar

1. At its eleventh meeting, held on 6 December 2007, the Working Group on Children and Armed Conflict examined a report of the Secretary-General on children and armed conflict in Myanmar (S/2007/666), which was introduced by the Special Representative of the Secretary-General. The Permanent Representative of Myanmar to the United Nations participated in the discussion at that meeting.

2. The main elements of the exchange of views among the members of the Working Group were as follows:

(a) The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005);

(b) They also welcomed the cooperation of the Government of Myanmar with the Working Group and the Special Representative of the Secretary-General;

(c) They emphasized that the Government of Myanmar needed to be supported and assisted by the international community in addressing the situation of children and armed conflict and building capacities to that end;

(d) They underlined the importance of fruitful cooperation between the Working Group and the Government of Myanmar;

(e) They stressed the importance of further cooperation between the Government of Myanmar and the United Nations country task force on monitoring and reporting, including through facilitating access to the children affected by armed conflict, in accordance with Security Council resolution 1612 (2005).

3. The Permanent Representative of Myanmar to the United Nations addressed a letter to the Chairman of the Working Group on 4 December and took part in the discussion on 6 December 2007. He expressed great disappointment about the way the report had been prepared, which, according to him, had not respected the provisions of Security Council resolution 1612 (2005), in particular as far as contacts with two non-State actors were concerned. He regretted the undue haste in which the report had been taken up by the Working Group. He challenged some information contained in the report as being unverified. He presented the measures taken by the Government of Myanmar to ensure that no one under the age of 18 is recruited into the military. He recognized that there were cases where recruiters,

particularly in far flung areas, were lax about enforcing the minimum age requirement. However, he assured the Working Group that punitive action was taken against recruiters who contravened regulations. The United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) had had, from time to time, the opportunity to visit recruitment centres.

4. Further to that meeting, and subject to and consistent with the Charter of the United Nations, applicable international law and Security Council resolutions on the issue of children and armed conflict, including Security Council resolution 1612 (2005), and while recalling that that resolution does not prejudge any legal status of the non-State parties involved in the situation considered, the Working Group agreed to address a message to the non-State armed groups to the armed conflict mentioned in the report of the Secretary-General (S/2007/666) through a public statement of the Chairman of the Working Group:

(a) Calling the attention of the leaders of the United Wa State Army, of the Karen National Union/Karen National Liberation Army (KNU-KNLA), of the Karenni National Progressive Party, of the Kachin Independence Organization, of the Karenni National People's Liberation Front, of the Democratic Karen Buddhist Army, of the Shan State Army-South, of the Myanmar National Democratic Alliance Army, and of the KNU-KNLA Peace Council to the fact that on 6 December 2007 the Working Group considered the report of the Secretary-General on children and armed conflict in Myanmar (S/2007/666), in which their names are mentioned;

(b) Recalling the strong condemnation by the Security Council of the recruitment and use of child soldiers and other violations and abuses committed against children in armed conflict, in accordance with its resolution 1612 (2005);

(c) Strongly reaffirming that the release of children cannot be made dependent upon the conclusion of a peace agreement;

(d) Urging them:

(i) To put an immediate end to the continuing recruitment and use of child soldiers, including through adopting and implementing concrete and time-bound action plans, to intensify measures to ensure the protection of children in armed conflict and to cooperate, in accordance with Security Council resolution 1612 (2005), with the Special Representative of the Secretary-General for Children and Armed Conflict;

(ii) To allow and facilitate unhindered access to the United Nations country task force on monitoring and reporting;

(iii) To take immediate steps to release those children associated with their forces and facilitate their follow-up by UNICEF, with a view to their effective reintegration;

(iv) To that end, to immediately enter into dialogue with the United Nations country task force on monitoring and reporting established pursuant to Security Council resolution 1612 (2005) to devise time-bound action plans;

(e) Strongly urging them to respond positively to this message, bearing in mind the importance that perpetrators of violations and abuses committed against children in situations of armed conflict be held accountable.

Recommendations to the Security Council

5. The Working Group also agreed to recommend to the Security Council that the Chairman of the Working Group address letters, to be transmitted by the President of the Security Council:

To the Government of Myanmar

(a) Welcoming its cooperation with the Working Group and the Special Representative of the Secretary-General, including the latter's visit to Myanmar in June 2007;

(b) Welcoming the establishment of the Committee for the Prevention of Military Recruitment of Underage Children, the establishment of the working group for the monitoring and reporting mechanism on the prevention of military recruitment of underage children and the appointment of focal points on matters relating to the implementation of Security Council resolution 1612 (2005), and encouraging them to meet, on a regular basis, with the United Nations country team and the United Nations country task force on monitoring and reporting;

(c) Welcoming the cooperation between international organizations and the Government of Myanmar on the protection of children in situations of armed conflict, including against their recruitment or use;

(d) Stressing the need to intensify public awareness-raising campaigns, including on education, if necessary with the support of the United Nations country team, on international norms and standards for the protection of children affected by armed conflict, with a view to reaching tangible results on the ground;

(e) Encouraging it to consider acceding as soon as practicable to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(f) Also encouraging it to establish and train staff of child protection units;

(g) Urging it:

(i) To intensify its cooperation with the United Nations country task force on monitoring and reporting, with a view to facilitating its access to areas under the control of the Government of Myanmar or the control of armed groups with which it shares a ceasefire accord where illegal recruitment is taking place, bearing in mind the importance of facilitating travel in Myanmar;

(ii) To take, as appropriate, all measures, including security measures, to support victims and to protect individuals, including witnesses, reporting cases of recruitment or use of children in armed conflict;

(iii) To further strive, as a matter of priority, for the full release and reintegration of children associated with the armed forces; to also strive, in accordance with Security Council resolution 1612 (2005), to implement the action plan and to continue education and awareness-raising campaigns, taking into account prevailing conditions on the ground, with the support of the country task force on monitoring and reporting and the United Nations country team, with a view to preventing and halting the recruitment or use of children in armed conflict;

(iv) To encourage, as appropriate, all armed groups with which it shares a ceasefire accord, should they recruit or use children in armed conflict, to enter into action plans with the country task force on monitoring and reporting with the active facilitation of the Committee for the Prevention of Military Recruitment of Underage Children, with a view to preventing and halting the recruitment or use of children and to releasing them and promoting their reintegration, in accordance with Security Council resolution 1612 (2005);

(v) To prosecute as a matter of priority persons responsible for crimes committed against children, to systematize and institutionalize disciplinary processes and/or action against those responsible for aiding and abetting the recruitment of children and, in this regard, to take the appropriate measures, while bearing in mind the importance of making those processes fair and transparent, with due regard to the best interest of the child;

(vi) To cease the arrest of children for desertion, if any, and to ensure their swift release.

To the Secretary-General

(a) Welcoming the visit of his Special Representative for Children and Armed Conflict to Myanmar in June 2007, and commending her engagement with the Government of Myanmar and, in accordance with Security Council resolution 1612 (2005), with other parties in order to obtain commitments to cease the recruitment of children and to release children associated with armed forces and groups;

(b) Welcoming the work and valuable contribution of the United Nations, in particular UNDP and UNICEF, in addressing the socio-economic issues in Myanmar, which will also contribute to addressing the welfare of children affected by armed conflict; inviting them, in close cooperation with the Government of Myanmar, to address socio-economic issues, including strengthening national institutions to implement national action plans and further provide assistance in the implementation of rehabilitation and reintegration programmes; and inviting them also, in keeping with their respective mandates, to continue to marshal and allocate adequate resources in effectively implementing projects in the areas of poverty alleviation and education-related activities;

(c) Requesting that the Special Representative on Children and Armed Conflict consider ways and means, in close consultation with the Government of Myanmar, to transmit to the leaders of the armed groups mentioned in the report of the Secretary-General (S/2007/666) the message of the Chairman of the Working Group;

(d) Bearing in mind that the United Nations country task force on monitoring and reporting must, inter alia, support and supplement, as appropriate, the protection and rehabilitation roles of the Government of Myanmar, collect and provide timely, objective, accurate and reliable information, requesting that the strengthening of its monitoring and reporting capacity be considered favourably with a view to improving its work.

6. The Working Group also agreed to a letter to be addressed from the Chairman of the Working Group to donors and regional and international financial institutions, calling upon them to consider providing funding to support the Government of

Myanmar and relevant humanitarian actors in reintegration and rehabilitation activities for children formerly associated with armed forces and groups; and drawing their attention to the importance of educational and socio-economic reintegration, including poverty alleviation activities, in order to prevent the recruitment and the use of children in armed forces and groups by providing those children with a viable alternative, and to the necessity to assist the Government of Myanmar in establishing a credible age verification mechanism and its two working groups.